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JAN 31 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8095

UNITED STATES OF AMERICA, Plaintiff, v. Octavio Alejandro DUARTE-Lopez Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about January 30, 2008, within the Southern District of California, defendant Octavio Alejandro DUARTE-Lopez did knowingly and intentionally import approximately 27.94 kilograms (61.46 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached statement of facts incorporated herein by reference.

Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 31st day of January 2008.

Peter C. Lewis
United States Magistrate-Judge

UNITED STATES OF AMERICA
v.
Octavio Alejandro DUARTE-Lopez

STATEMENT OF FACTS

This complaint is based on the reports and documents furnished to U. S. Immigration and Customs Enforcement Special Agent Russell H. Vensk Jr. and the interview of Octavio Alejandro DUARTE-Lopez.

On January 30, 2008, at approximately 0245 hours., Octavio Alejandro DUARTE-Lopez, a United States citizen, entered the United States at the Calexico, California, West Port of Entry from Mexico. DUARTE was the driver and sole occupant of a 1999 Isuzu Amigo.

At primary inspection, DUARTE gave a negative Customs declaration and stated he was the owner of the vehicle to Customs & Border Protection Officer (CBPO) J. Tubbs. CBPO Tubbs tapped the gas tank of the vehicle, noticed it felt solid and referred DUARTE and the vehicle to secondary inspection.

In secondary, CBPO D. Tapia discovered twenty-five packages concealed within the gas tank. CBPO Tapia probed one of the packages and extracted a white powdery substance, which field-tested positive for cocaine. The packages had a net weight of 27.94 kilograms (61.46 pounds).

DUARTE was advised of his Miranda rights by CBPO A. Zuniga. DUARTE stated he understood his rights and agreed to answer questions without the presence of an attorney. DUARTE admitted he knew controlled substances were concealed in the vehicle and he was to going to be paid $1,000.00 to transport them to the Wal-Mart in Calexico.